

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Case No. 4:18-CR-00007 HEA/NAB
vs.)	
)	
DARION JOHNSON,)	
)	
Defendant.)	

SECOND MOTION TO RECONSIDER DETENTION ORDER AND TO SET BOND
OR, IN THE ALTERNATIVE, FIRST MOTION TO TRANSFER CUSTODY

COMES NOW Defendant Darion Johnson, by and through his counsel, Luke A. Baumstark, of the Baumstark Firm, LLC, and, for his Second Motion to Reconsider Detention Order and Set Bond, or, In the Alternative, Motion to Transfer Custody, states:

1. Defendant made his initial appearance in this case on December 21, 2017, while in the custody of the Government.
2. Arguments were made regarding pretrial detention on December 27, 2017.
3. The Court took the matter under submission and issued an Order of Detention on January 9, 2018. *See* Doc. 51.
4. Defendant has now been in custody for over 22 months.
5. Defendant is willing to wear an ankle monitor and be confined to his home with the exception of time at work, visits to his attorney, court dates, and such other circumstances as are deemed appropriate by the Court.
6. As noted in the Bail Report, Defendant has successfully completed a Court-ordered term under house arrest beginning in November and ending December of 2017. *See* Doc. 19, p. 4.

7. Given that Defendant is now free from detainers in other jurisdictions and in light of his past success while subject to ankle monitoring and the length of his current detention (which nears two years), placing Defendant on home detention with an ankle monitor constitutes the “least restrictive further condition or combination of conditions” that will assure Defendant’s appearance in Court and/or the safety of the community. *See* 18 U.S.C. § 3142.

8. In the Alternative, Defendant requests that this Court enter an Order compelling the U.S. Marshal’s Service to transfer him to another facility pending his trial.

9. Defendant has been treated unfairly at the Randolph County Jail, including being wrongfully accused of rule violations, and being put into solitary confinement without cause.

10. This, in conjunction with abuse of other inmates that Defendant has witnessed, causes Defendant to have serious concerns about his safety if he remains at the Randolph County Jail.

11. Further, Defendant’s ability to review the substantial discovery produced by the Government has been limited to periods of 30 to 60 minutes occurring once to twice per week. This is insufficient to allow Defendant to make a substantive review of the discovery.

12. The Randolph County Jail also allows Defendant an insufficient amount of time outside of his cell generally, and lacks adequate medical support on site, adding to Defendant’s concern for his safety.

13. Finally, Defendant’s distance from St. Louis has rendered it difficult for his family and legal counsel to make visits, which further hinders his ability to defend the charges against him.

WHEREFORE, Defendant Darion Johnson requests that this Court grant his Motion to Reconsider Detention Order and enter a new Order allowing for Defendant to be released

pending trial subject to home detention and the use of an ankle monitoring system allowing him to leave his home for time at work, visits to his attorney, court dates, and such other circumstances as are deemed appropriate by the Court. In the alternative, Defendant requests that this Court enter an Order compelling the U.S. Marshal's Service to transfer his custody to another facility that is closer to St. Louis than the Randolph County Jail.

Respectfully Submitted,

/s/ Luke A. Baumstark
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Attorney for Defendant Darion Johnson

CERTIFICATE OF SERVICE

The undersigned certifies that on the 29th day of October, 2019, this document was filed with the court via the CM/ECF system which will send notice to all parties of record.

/s/ Luke Baumstark